

CITY OF NEW YORK  
THE SPECIAL COMMISSIONER OF INVESTIGATION  
FOR THE NEW YORK CITY SCHOOL DISTRICT

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NEW YORK, NEW YORK 10038

RICHARD J. CONDON  
SPECIAL COMMISSIONER

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October 27, 2004

*Letter via Certified Mail*

David L. Pakter  
900 Park Avenue  
New York, New York 10021

Dear Mr. Pakter:

In a telephone call to this office you claimed that you were being retaliated against based on your complaints to this office and other City agencies. You requested that you be accorded protection as a "Whistleblower."

The New York City Administrative Code § 12-113, commonly known as the Whistleblower Law, protects employees of City entities who report corruption, criminal activity, conflicts of interest, gross mismanagement or the abuse of authority in City government to the Commissioner of the Department of Investigation ("DOI"), the Public Advocate, the Comptroller or a member of the City Council. The Whistleblower Law prohibits another employee from taking any adverse personnel action against the reporting employee in retaliation for making such a report. If an employee believes he or she has been the subject of such retaliatory adverse personnel action, they may report such conduct to the Commissioner of DOI. The Special Commissioner is a Deputy to the Commissioner of DOI.

The Board of Education Whistleblower Resolution, passed in 1992, prohibits adverse personnel action against an officer or employee of the City School District who reports to SCI information concerning conduct which he or she knows or reasonably believes to involve corrupt or other criminal activity, conflicts of interest, unethical conduct or misconduct by another officer or employee of the City School District, or by persons dealing with the City School District.<sup>1</sup> SCI will then conduct an investigation into the matter. If SCI finds that an adverse personnel action was taken in retaliation for making such a report, the employee will be accorded protection and, if necessary, remedial relief, under the Whistleblower Law and this resolution.

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<sup>1</sup> The Board of Education is now known as the Department of Education.

October 27, 2004

In the matter you brought to this office's attention, an attorney assigned to this agency made a careful review of the facts surrounding the events you described. The review included interviews of relevant witnesses and the examination of pertinent documents. Based on this review, it was determined that your class assignments and year-end performance rating did not occur as a result of complaints you reported to this office. Accordingly, it is the finding of this office that your claim does not constitute a violation of either the Whistleblower Law or the Whistleblower Resolution.

Thank you for bringing this matter to the attention of this office. If you have any questions, you may contact me at (212) 510-1407.

Sincerely,

  
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Eileen C. Daly  
Special Counsel

ECD:gm